

# **Attachment “1” to Declaration of Michelle Mansker**

1 IN THE UNITED STATES DISTRICT COURT

2 DISTRICT OF HAWAII

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4 'ILIO'ULAOKALANI COALITION, a Hawai'i nonprofit  
5 corporation; NA 'IMI PONO, a Hawai'i unincorporated  
6 associate; and KIPUKA, a Hawai'i unincorporated  
7 association,

8 Plaintiffs,

9 vs.

CIVIL NO. 04-00502 DAE-BMK

10  
11 DONALD H. RUMSFELD, Secretary of Defense; and FRANCIS  
12 J. HARVEY, Secretary of the United States Department  
13 of the Army,

14 Defendants.  
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16  
17 DEPOSITION OF JOHN MICHAEL CASTILLO

18 Taken on behalf of the Defendants, at the  
19 office of U.S. Attorney, Room 6-202, PJKK Federal  
20 Building, 300 Ala Moana Boulevard, Honolulu, Hawaii  
21 96850-6100, commencing at 10:08 a.m., on December 11,  
22 2006, pursuant to Notice.

23  
24 BEFORE: DENNIS J. YANKEE, CSR NO. 285

25 Certified Shorthand Reporter

Attachment "1"

10:15 1 Q. What was the date of your first deposition  
2 in this case?

10:15 3 A. November 8<sup>th</sup>, 2006.

10:15 4 Q. November 8<sup>th</sup>?

10:15 5 A. I'm sorry, December 8<sup>th</sup>.

10:15 6 Q. Okay.

10:15 7 A. If I referenced this deposition -- my last  
8 deposition as November 8<sup>th</sup>, it was in error. It  
9 December 8<sup>th</sup>.

10:15 10 Q. Now, since your last deposition until  
11 today, how many additional hours did you spend  
12 working on this case?

10:15 13 A. Would you like to know the number of hours  
14 spent actually reading and reviewing material and  
15 writing my deposition, or would you like me to also  
16 include travel time to and from Oahu and airport and  
17 my home?

10:16 18 Q. Just the time spent reviewing documents and  
19 writing your declaration.

10:16 20 A. Approximately 12 hours.

10:16 21 Q. You said you had reviewed sections of the  
22 biological opinion. Have you read the entire  
23 biological opinion?

10:16 24 A. No, I have not.

16 25 Q. You said also that since your last

1 colloquy of Mr. Gette regarding the circumstances of  
2 this deposition.

11:31

3 I think everyone is well aware, including  
4 the judge in this case, about the expedited nature of  
5 this discovery. It was the government's position at  
6 the outset that no discovery was needed and should be  
7 allowed, and under very tight and extenuating  
8 circumstances we have produced Mr. Castillo, now  
9 twice, for depositions, both of which the government  
10 indicated would be a half day each.

11:32

11 And that if the government intends, or, as  
12 it stated, reserve its right to re-call this witness,  
13 that we, to the extent that such a request would be  
14 reasonable, would make good efforts to comply, but  
15 that the fact of the matter is Mr. Castillo's  
16 schedule is very, very busy, and that he's bent over  
17 backwards to accommodate these repeated requests for  
18 depositions, and that the bottom line is we'll do  
19 what we can, and we reserve our right to oppose such  
20 a request for further deposition.

11:33

21 BY MR. GETTE:

11:33

22 Q. Mr. Castillo, are you a botanist?

11:33

23 A. No, I'm not a trained botanist. But I have  
24 experience working as a botanist or working in a  
25 context as a biologist, but my training is in

12:12 1 A. Yes, I've looked it over.

.12 2 Q. And what is that document?

12:12 3 A. This document is an excerpt from the Fire  
4 Management Plan that's included as an appendix to the  
5 Programmatic Biological Assessment for Transformation  
6 of the Second Brigade 25<sup>th</sup> Infantry Division, U.S.  
7 Army, Island of Hawaii.

12:12 8 Q. When did you, when did you first -- have  
9 you read this document in its entirety?

12:12 10 A. Are you referring to the U.S. Army  
11 Garrison's Wildfire Management Plan for Hawaii?

12:12 12 Q. Well, let's start with that.

12:12 13 A. That document is two or three inches thick  
14 and it covers all training installations in Hawaii.  
15 No, I've not read it in its entirety.

12:13 16 Q. What has been marked as Exhibit number 2 to  
17 your deposition, have you read that in its entirety?

12:13 18 A. Chapter 7, the section describing the Fire  
19 Management Area of Pohakuloa Training Area, one of  
20 several sections of the Fire Management Plan that  
21 makes reference to Pohakuloa Training Area and fire  
22 management thereof, no, I have not read it in its  
23 entirety, but I have looked through it.

12:13 24 MR. MORIWAKE: I'll object as to  
25 foundation whether this is indeed the entire chapter